

8. New Construction Nonpoint Source Pollution Ordinance

All new construction and redevelopment of a specified size, as well as roads, highways and bridges, is required to develop a NPS Plan, which includes a selection of BMPs chosen specifically for the unique features of that site. The plan may include BMP for construction and BMP designed to control NPS introduction on a permanent basis. All other parish permits will not be issued without evidence of an approved NPS Plan. The parish is given enforcement authority to make sure the implementation of the plans is being carried out.

New Construction Nonpoint Source Pollution Ordinance

Section 1

Findings:

1.1 New development increases the pollutants entering _____ Parish's water system. Through proper planning potential sources of nonpoint source pollution can be reduced and held to a minimum. The areas of main concern have been identified as activities affecting natural hydrology:

- a. Soil porosity decreases
- b. Impermeable surfaces increase
- c. Channels and conveyances are constructed
- d. Slopes increase
- e. Vegetative cover decreases
- f. Surface roughness decreases

1.2 Proper planning that considers the activities to be conducted and the site's potential for nonpoint source pollution can reduce future water quality impairment triggered by new construction and redevelopment projects.

Section 2

Objectives:

2.1 The main objective is to control and reduce urban runoff from new development, redevelopment and new and relocated roads, highways and bridges through the mandatory development of NPS management plans. These plans will be designed to accomplish the following: decrease the erosive potential of increased storm water runoff volumes and velocities associated with development-induced changes in hydrology, remove suspended solids and associated pollutants entrained in runoff that result from activities occurring during and after development, retain hydrological conditions to closely resemble those of the pre-disturbance

condition and preserve natural systems including in-stream habitat.

Section 3

Definitions:

For the purposes of this ordinance, the following shall mean:

3.1 Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

3.2 Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to receiving waters. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks.

3.3 Land Owner/Designated Responsible Party: All new construction projects that involve disturbance of _____ (acres/sq.ft.) or more will be required to designate a responsible party that will be held accountable for the NPS management plan developed for the site. The owner of the property will be held responsible if no alternative party is designated.

3.4 New Construction Project: All projects (new and redevelopment) within _____ Parish which involve disturbance of _____ acres or more, involving clearing, grubbing, grading, excavating and demolition. These activities include but are not limited to construction of a building/structure as well as, road, highway and bridge construction.

Section 4

Development of a NPS Plan:

4.1 When evaluating a specific BMP for inclusion in the NPS management plan consideration should be given to climate/season, as well as location, flow, expected pollutants and maintenance requirements.

4.2 Management measure components to consider when developing a plan:

Where site conditions allow, reduce polluted runoff from new development with **vegetative** management practices such as: vegetative filter strips, grass swales and constructed wetlands

Where site conditions allow, reduce polluted runoff from new development with **structural** management practices such as: infiltration basins, infiltration trenches, porous pavement and permeable surfaces. Concrete grid pavement, extended detention ponds and wet ponds.

4.3 The Parish will not issue any other permit in conjunction with the construction until an approved NPS Plan has been completed, submitted and approved.

Section 5

5.1 Responsible Party: A responsible party must be designated in each NPS management plan submitted for approval.

5.1.1) The owner of the property upon which construction activity is taking place will be assumed to be the designated responsible person for compliance with the site's NPS management plan, unless another person is clearly identified as the responsible

party.

5.1.2) If a person other than the owner is responsible for compliance with the site's NPS management plan then that person is to be clearly designated in the plan and a full and current address and phone number must be provided.

Section 6

Inspection and Enforcement:

6.1) Inspections

The _____ (authorized enforcement agency) shall be permitted to enter and inspect facilities/construction sites subject to regulation (meeting size limitations) under this ordinance as often as may be necessary to determine compliance with this ordinance. If a site has security measures in force which require proper identification and clearance before entry into its premises, the site manager shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

The _____ (authorized enforcement agency) shall be permitted access to the site's NPS Construction Site Plan, which is required to be kept on site during all work hours.

If the _____ (authorized enforcement agency) has been refused access to any part of the premises, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the _____ (authorized enforcement agency) may seek issuance of a search warrant from any court of competent jurisdiction.

6.2) Notice of Violation

Whenever the _____ (authorized enforcement agency) finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of the violation to the responsible person. Such notice may require without limitation:

6.2.1 the development of a NPS management plan for the site

6.2.2 construction activities conducted without a NPS management plan shall cease and desist

6.2.3 the implementation of source control and treatment BMPs

6.2.4 remediation of water pollution and the restoration of an affected property

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should a violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

6.3) Enforcement Measures

6.3.1 Injunctive relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

6.3.2 Violations deemed a public nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

6.3.3 Criminal Prosecution: Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of _____ dollars per violation per day and /or imprisonment for a period not to exceed _____ days.

The authorized enforcement agency may recover all attorney's fees, court costs and other expenses associated with enforcement of this ordinance, including any monitoring expenses.

Section 8

Appeals:

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within _____ days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 9

Severability:

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Section 10

Adoption of Ordinance:

This Ordinance shall be in full force and effect _____ days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. PASSED and ADOPTED this _____ day of _____, 20____, by the following vote: